IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

COMPANY APPLICATION No. 427 of 2006
In
COMPANY PETITION No. 57 of 1987

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JASUBHAI S. PATEL - Applicant(s)
Versus
O.L. OF AHMEDABAD RAMKRISHNA MILLS CO.LTD. - Respondent(s)

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Appearance :
MRS KRISHNA G RAWAL for Applicant(s) : 1,
OFFICIAL LIQUIDATOR for Respondent(s) : 1,
MS AMEE YAJNIK for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 14/09/2006

ORAL JUDGMENT

1.By way of this Judge's Summons, the applicant – the erstwhile workman of Shri Ramkrishna Mills Limited

(now in liquidation), has prayed for an appropriate order to direct the Official Liquidator to make the payment of dues to the applicant as per the award of the Labour Court at the earliest.

2.A report is submitted by the Official Liquidator and it is submitted that an amount of Rs. 2,72,333/- is already paid to the applicant and it is in fact, more than what is paid to other workmen of the company in liquidation. It is also further submitted in the report that let the applicant submit his claim with the Official Liquidator in the prescribed Form No. 66 as provided under Companies (Court) Rule; 1959 so that the Official Liquidator may verify his claim through Chartered Accountant M/s. K.K.Patel & Co., who was appointed by Official Liquidator for investigation/ verification of workers claim.

3.Ms. Amee Yajnik, learned advocate for Official Liquidator has also relied upon the order passed by this Court in Company Application No. 452 of 1999

and has submitted that in fact, the claim of the applicant is required to be considered with other workmen consistent with the percentage up to which the other workmen are being paid.

4.Ms. Krishna Raval, learned advocate appearing on behalf of the applicant has submitted that the applicant will be submitting his claim with the Official Liquidator in the prescribed Form within a period of 2 weeks from today and let the Official Liquidator verify the claim of the applicant through the Chartered Accountant M/s. K.K.Patel & Co., and inform the applicant accordingly. Such an exercise to be completed within a period of 2 months from the date of receipt of the claim by the Official Liquidator. Thereafter, on receipt of the communication from the Official Liquidator, it will be open for the applicant to move this Court for an appropriate order, if ultimately it is found that the applicant is entitled to more than Rs.2,72,333/-, the amount which is paid to the applicant pursuant to the various orders passed by

this Court.

5.With these, the present application is disposed of.

[M.R.SHAH, J.]

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